

106TH CONGRESS
2D SESSION

S. 2162

To renew the authority of the Department of Energy to indemnify its contractors and the Nuclear Regulatory Commission to indemnify its licensees for damages resulting from nuclear incidents; to amend the Department of Energy's authority to impose civil penalties on its nonprofit contractors; and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2000

Mr. BINGAMAN (for himself and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To renew the authority of the Department of Energy to indemnify its contractors and the Nuclear Regulatory Commission to indemnify its licensees for damages resulting from nuclear incidents; to amend the Department of Energy's authority to impose civil penalties on its nonprofit contractors; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Price-Anderson
5 Amendments Act of 2000”.

1 **SEC. 2. INDEMNIFICATION AUTHORITY.**

2 (a) INDEMNIFICATION OF NRC LICENSEES.—Section
3 170 c. of the Atomic Energy Act of 1954 (42 U.S.C.
4 2210(c)) is amended by striking “August 1, 2002” each
5 place it appears and inserting “August 1, 2012”.

6 (b) INDEMNIFICATION OF DOE CONTRACTORS.—
7 Section 170 d.(1)(A) of the Atomic Energy Act of 1954
8 (42 U.S.C. 2210(d)(1)(A)) is amended by striking “, until
9 August 1, 2002,”.

10 (c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL
11 INSTITUTIONS.—Section 170 k. of the Atomic Energy Act
12 of 1954 (42 U.S.C. 2210(k)) is amended by striking “Au-
13 gust 1, 2002” each place it appears and inserting “August
14 1, 2012”.

15 **SEC. 3. MAXIMUM ASSESSMENT.**

16 Section 170 b.(1) of the Atomic Energy Act of 1954
17 (42 U.S.C. 2210(b)(1)) is amended by striking
18 “\$10,000,000” and inserting “\$20,000,000”.

19 **SEC. 4. DOE LIABILITY LIMIT.**

20 (a) AGGREGATE LIABILITY LIMIT.—Section 170 d.
21 of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d))
22 is amended by striking subsection (2) and inserting the
23 following:

24 “(2) In agreements of indemnification entered
25 into under paragraph (1), the Secretary—

1 “(A) may require the contractor to provide
2 and maintain financial protection of such a type
3 and in such amounts as the Secretary shall de-
4 termine to be appropriate to cover public liabil-
5 ity arising out of or in connection with the con-
6 tractual activity, and

7 “(B) shall indemnify the persons indem-
8 nified against such claims above the amount of
9 the financial protection required, in the amount
10 of \$10,000,000,000 (subject to adjustment for
11 inflation under subsection t.), in the aggregate,
12 for all persons indemnified in connection with
13 such contract and for each nuclear incident, in-
14 cluding such legal costs of the contractor as are
15 approved by the Secretary.

16 (b) CONTRACT AMENDMENTS.—Section 170 d. of the
17 Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further
18 amended by striking subsection (3) and inserting the fol-
19 lowing:

20 “(3) All agreements of indemnification under
21 which the Department of Energy (or its predecessor
22 agencies) may be required to indemnify any person,
23 shall be deemed to be amended, on the date of the
24 enactment of the Price-Anderson Amendments Act
25 of 1999, to reflect the amount of indemnity for pub-

1 lic liability and any applicable financial protection
 2 required of the contractor under this subsection on
 3 such date.”.

4 **SEC. 5. INCIDENTS OUTSIDE THE UNITED STATES.**

5 (a) AMOUNT OF INDEMNIFICATION.—Section 170
 6 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C.
 7 2210(d)(5)) is amended by striking “\$100,000,000” and
 8 inserting “\$500,000,000”.

9 (b) LIABILITY LIMIT.—Section 170e.(4) of the Atom-
 10 ic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended
 11 by striking “\$100,000,000” and inserting
 12 “\$500,000,000”.

13 **SEC. 6. REPORTS.**

14 Section 170 p. of the Atomic Energy Act of 1954 (42
 15 U.S.C. 2210(p)) is amended by striking “August 1, 1998”
 16 and inserting “August 1, 2008”.

17 **SEC. 7. INFLATION ADJUSTMENT.**

18 Section 170 t. of the Atomic Energy Act of 1954 (42
 19 U.S.C. 2210(t)) is amended—

20 (1) by renumbering paragraph (2) as paragraph
 21 (3); and

22 (2) by adding after paragraph (1) the following
 23 new paragraph:

24 “(2) The Secretary shall adjust the amount of
 25 indemnification provided under an agreement of in-

1 demnification under subsection d. not less than once
 2 during each 5-year period following the date of the
 3 enactment of the Price-Anderson Amendments Act
 4 of 1999, in accordance with the aggregate percent-
 5 age change in the Consumer Price Index since—

6 “(A) such date of enactment, in the case
 7 of the first adjustment under this subsection; or

8 “(B) the previous adjustment under this
 9 subsection.”.

10 **SEC. 8. CIVIL PENALTIES.**

11 (a) REPEAL OF AUTOMATIC REMISSION.—Section
 12 234A b.(2) of the Atomic Energy of 1954 (42 U.S.C.
 13 2282a(b)(2)) is amended by striking the last sentence.

14 (b) LIMITATION FOR NONPROFIT INSTITUTIONS.—
 15 Section 234A of the Atomic Energy Act of 1954 (42
 16 U.S.C. 2282a) is further amended by striking subsection
 17 d. and inserting the following:

18 “d. Notwithstanding subsection a., no contractor,
 19 subcontractor, or supplier considered to be nonprofit
 20 under the Internal Revenue Code of 1954 shall be subject
 21 to a civil penalty under this section in excess of the
 22 amount of any performance fee paid by the Secretary to
 23 such contractor, subcontractor, or supplier under the con-
 24 tract under which the violation or violations; occur.”.

1 **SEC. 9. EFFECTIVE DATE.**

2 (a) IN GENERAL.—The amendments made by this
3 Act shall become effective on the date of the enactment
4 of this Act.

5 (b) INDEMNIFICATION PROVISIONS.—The amend-
6 ments made by sections 3, 4, and 5 shall not apply to
7 any nuclear incident occurring before the date of the en-
8 actment of this Act.

9 (c) CIVIL PENALTY PROVISIONS.—The amendments
10 made by section 8 to section 234A of the Atomic Energy
11 Act of 1954 (42 U.S.C. 2282a(b)(2)) shall not apply to
12 any violation occurring under a contract entered into be-
13 fore the date of the enactment of this Act.

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